THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24747 OF 1996

DATED: 12-12-2006

Between :

Belli Somaiah ... Petitioner

And

1. The Mandal Revenue Officer, Shalogowraram Mandal, Nalgonda District and others.

.. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24747 OF 1996

ORDER :

This writ petition is filed seeking a declaration that the order dated 24-10-1996 passed by the 1st respondent – Mandal Revenue Officer cancelling the patta granted in favour of the petitioner in respect of Ac.1.20 guntas situated in Sy.No.215 of Vangamarthi village, Shaligowraram Mandal, Nalgonda District as arbitrary and illegal.

Though other grounds have been raised on merits, it is primarily contended by the petitioner that the impugned order which was passed without issuing any prior notice to the petitioner is arbitrary and violative of the principles of natural justice.

This Court while directing Rule Nisi, by order dated 21-11-1996 granted interim stay of all further proceedings pursuant to the impugned order. The said order continued to be in operation throughout and no counter-affidavit has been filed by the respondents.

In the circumstances, I do not find any justifiable reason to disbelieve the plea of the petitioner.

As a matter of fact, a bare perusal of the impugned order shows that no notice was issued to the petitioner before passing the impugned order.

Accordingly, the impugned order dated 24-10-1996 which is in violation of principles of natural justice is hereby set aside and the Writ Petition is allowed. No costs.

However, this shall not preclude the respondents to initiate fresh proceedings following due process of law.

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G. ROHINI, J.

Dt. 12-12-2006
gbs